

**IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

John F. Hobdy, Jr.,

Debtor,

&

Flagstar Bank, FSB,

Secured Creditor.

Docket No. 21-21690-CMB

Chapter 13

Related Document: Claim # 9

**STIPULATION AND ORDER**

AND NOW, come the undersigned parties, by and through their respective counsel,  
and enter into the following Stipulation:

WHEREAS, on February 9, 2018, Debtor John F. Hobdy, Jr., (hereinafter “Debtor”) executed a note for \$206,600.00 in favor of Milend, Inc.; said Note is secured by a mortgage on real property known as 1018 Mellon Street, Pittsburgh, PA 15206;

WHEREAS, the subject mortgage was recorded on April 10, 2018 in the Alleghany County land records at BK-M, VL-49125, PG-416 as instrument number 2018-22606;

WHEREAS, the mortgage was assigned to Flagstar Bank, FSB (hereinafter “Secured Creditor”) as evidenced by the assignment of mortgage recorded in the Alleghany County land records on November 17, 2020 at BK-M, VL-53130, PG-522;

WHEREAS, the “Certificate of Residence of Mortgagee” recorded along with the mortgage was not executed and is an error and/or omission that requires correction;

WHEREAS, the “Certificate of Residence of Mortgagee” has since been executed and is attached hereto as Exhibit “A;”

WHEREAS, Debtor is aware of the error of the unexecuted “Certificate of Residence of Mortgagee” and has agreed to allow the re-recording of the mortgage in accordance with his duties under the terms of the closing documents executed at the time of loan origination;

WHEREAS, the parties enter into this Stipulation to allow for the re-recording of a copy of the original mortgage along with the corrected, executed “Certificate of Residence of Mortgagee;”

It is therefore Stipulated and agreed as follows:

1. Secured Creditor is hereby authorized to correct the unexecuted “Certificate of Residence of Mortgagee” by re-recording the mortgage initially recorded in the Alleghany County land records on April 10, 2018 in BK-M, VL-49125, PG-416 as instrument number 2018-22606 along with an executed “Certificate of Residence of Mortgagee;” and
2. The re-recording and related actions shall not be deemed a violation of the automatic stay; and
3. The re-recording of the mortgage to correct the “certificate of Residence of Mortgagee” shall relate back to the original recording date of April 10, 2018; and
4. The Prothonotary is hereby directed to record a copy of the original mortgage

for re-recording along with the original signed "Certificate of Residence of Mortgagee" and  
a copy of this Stipulation and Order in lieu of an original or re-executed mortgage.

Consented to by:

/s/ Matthew M. Brennan

/s/ Brian C. Nicholas

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Matthew M. Brennan, Esquire

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Brian C. Nicholas, Esquire  
PA ID No. 317240

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Attorney for Debtor  
201 S. Highland Avenue, Suite 201  
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[bnicholas@kmlawgroup.com](mailto:bnicholas@kmlawgroup.com)

Dated: 2/2/2022

Dated: 2/2/2022

/s/ James C. Warmbrodt

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James C. Warmbrodt, Esq.  
Attorney for Chapter 13 Trustee  
US Steel Tower, Suite 3250  
600 Grant Street

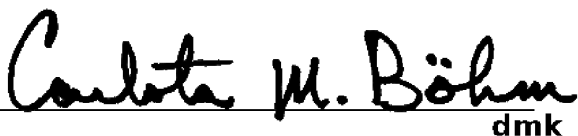
Pittsburgh, PA 15219

(412) 471-5566

[Jwarmbrodt@chapter13trusteedpa.com](mailto:Jwarmbrodt@chapter13trusteedpa.com)

Dated: 2/4/2022

**REVIEWED AND APPROVED BY:**

  
dmk


Honorable Carlota Böhm  
Chief Judge, United States Bankruptcy Court

FILED  
2/4/22 3:47 pm  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

**Certificate of Residence of Mortgagee**

The undersigned hereby certifies that: (i) he/she is the Mortgagee or the duly authorized attorney or agent of the Mortgagee named in the within instrument; and (ii) Mortgagee's precise residence is: 1901 E Voorhees Street, Suite C, Danville, IL 61834

Witness my hand this 14<sup>th</sup> day of JANUARY 2022.

  
\_\_\_\_\_  
Signature of Mortgagee or  
Mortgagee's Duly Authorized Attorney or Agent

MISTY McMAHAN, V A  
\_\_\_\_\_  
Type or Print Name of Mortgagee or  
Mortgagee's Duly Authorized Attorney or Agent

In re:  
John F. Hobdy, Jr.  
Debtor

Case No. 21-21690-CMB  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Feb 04, 2022

User: auto  
Form ID: pdf900

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 06, 2022:

Recip ID	Recipient Name and Address
db	+ John F. Hobdy, Jr., 1018 Mellon St., Pittsburgh, PA 15206-1539

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 06, 2022

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 4, 2022 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor FLAGSTAR BANK bnicholas@kmlawgroup.com
Jeffrey R. Hunt	on behalf of Creditor PWSA jhunt@grblaw.com
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com
Maria Miksich	on behalf of Creditor FLAGSTAR BANK mmiksich@kmlawgroup.com
Matthew M. Brennan	on behalf of Debtor John F. Hobdy Jr. attorneymatthewbrennan@gmail.com
Office of the United States Trustee	ustregion03.pi.ecf@usdoj.gov

District/off: 0315-2

User: auto

Page 2 of 2

Date Rcvd: Feb 04, 2022

Form ID: pdf900

Total Noticed: 1

Ronda J. Winnecour

cmechf@chapter13trusteedpa.com

S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com Equitablebankruptcy@peoples-gas.com

TOTAL: 8